



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

CLAYTON BAKER

Plaintiff,

v.

ROADWAY EXPRESS, INC.,

Defendant.

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CIVIL ACTION NO. 9:04CV129 (TH)
JURY

**ORDER ACKNOWLEDGING DISMISSAL
BY STIPULATION AND CLOSING CASE**

Before the Court is a *Joint Notice of Dismissal With Prejudice Pursuant to Rule 41(a)(1)(ii)* [Clerk's Docket No. 19] filed July 14, 2005 by plaintiff Clayton Baker. Rule 41(a)(1) of the FEDERAL RULES OF CIVIL PROCEDURE provides that "an action may be dismissed by the plaintiff without order of the court . . . by filing a stipulation of dismissal signed by all parties who have appeared in the action."

The Court hereby **ACKNOWLEDGES** that plaintiff Clayton Baker has dismissed his claims against Roadway Express, Inc. with prejudice by stipulation. The parties have agreed that all costs shall be borne by the party incurring same.

IT THEREFORE ORDERED that the clerk is **DIRECTED** to close this case file.

SO ORDERED.

SIGNED this the 14 day of July, 2005.

Thad Heartfield
United States District Judge